

Application No. 10/652,007
Amendment dated August 12, 2005
Reply to Office Action of June 13, 2005

REMARKS/ARGUMENTS

Independent rejected claim 39 has been cancelled, and a new independent claim 52 has been added. Rejected dependent claims 41-49, which previously depended from now cancelled claim 39, have now been amended to depend from new claim 52. Claims 37, 50, and 51 have already been stated to be allowed. Claims 37 and 41-52 now remain in the case.

New independent claim 52 comprises all of the subject matter of allowed independent 51 combined with now-cancelled claim 39. (lines 1-3 of allowed claim 51 = lines 1-3 of new claim 52; and lines 3-16 of cancelled claim 39 = lines 4-16 of new claim 52).

Formerly rejected claims 41-49, which previously depended from rejected claim 39, have thus been amended to now depend from new claim 52. Since new claim 52 contains all of the subject matter of allowed claim 51, new claim 52 should be patentable over the nine cited references. Claims 41-49, which now all depend from new claim 52, should also now be patentable over the nine cited references.

Independent claim 39 and claims 41-49, dependent from claim 39, were rejected under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Musaka et al. U.S. Patent 5,571,571; Qian et al. U.S. Patent 5,571,576; Matsuzawa U.S. Patent 6,000,339; European Patent Application 0,517,548; Japanese Patent Document 09008031; Japanese Document 08-21870; Lee et al. U.S. Patent 6,043,167; Moghadam et al. U.S. Patent 6,413,583; and Yieh et al. U.S. Patent 6,121,164.

It remains Applicants' position that any and all silicon oxide materials containing carbon and fluoride are not the same, nor is the presence of one material automatically suggested by the presence of the

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other. It also remains Applicants' position that a reference cited under U.S.C. 102, should disclose the rejected subject matter despite the fact that no attempt was made by the PTO to explain where the particular cited references teach or suggest Applicants' claimed product.

However, in view of the present standing of the claims in the Final Rejection and to advance the prosecution, Applicants have cancelled the independent rejected claim and amended the dependent rejected claims to depend from new claim 52, which contains the allowed subject matter of claim 51.

Claims Allowed

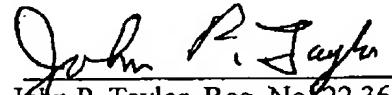
Claims 37, 50, and 51 are stated to be considered as patentable over the prior art of record because the prior art fails to teach or fairly suggest the claimed doped silicon oxide material having each of the structures (a), (b), and (d) as required by claim 51.

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SUMMARY

In view of the allowance of claims 37, 50, and 51, the presence of the allowed subject matter of claim 51 in new claim 52, and the amendment of claims 41-49 to depend from new claim 52, all of the claims now present in the case should be patentable over the cited art. If the Examiner in charge of this case feels that there are any remaining unresolved issues in this case, the Examiner is urged to call the undersigned attorney at one of the below listed telephone numbers which are in the Pacific Coast Time Zone.

Respectfully submitted,


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